

## ADMINISTRATIVE PROCEDURES FOR IMPLEMENTING

Resolution/Regulation/Ordinance# for Floodplain Management

*For*

(Community Name)

### I. Duties of the Floodplain Administrator

Duties of the \_\_\_\_\_, designated as the Floodplain Administrator in the above referenced ordinance(s):

- ◆ Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this resolution have been satisfied;
- ◆ Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required by Federal, State, or local law;
- ◆ Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
- ◆ Issue floodplain development permits for all approved applications;
- ◆ Notify adjacent communities and the Division of Water Resources, Kansas Department of Agriculture, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
- ◆ Assure that the flood-carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse; and
- ◆ Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures;
- ◆ Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been flood proofed; and
- ◆ When flood proofing techniques are utilized for a particular non-residential structure, the Floodplain Administrator shall require certification from a registered professional engineer or architect.

## II. Floodplain Development Permitting System

### A. Submittal of Floodplain Development Permit Application

- ◆ Floodplain Development Permits are turned in to the Floodplain Manager in the \_\_\_\_\_.  
**(Building/Room Number. Delete this after filling in blank.)**
- ◆ The fee for a Floodplain Development Permit is \$\_\_\_\_\_ as established by the governing body of \_\_\_\_\_.  
**(Or “There is no fee for a Floodplain Development Permit.”)**
- ◆ The numbering system for Floodplain Development Permits shall be as follows. First are the letters “FD” to designate floodplain development. The next four digits are the year the permit is issued. The following numbers shall be assigned in order as each permit is issued beginning with 001. Example: FD-2011-001. **(This is a suggested numbering system. Write in your own numbering system if you already have one.)**
- ◆ Floodplain Development Permits may need to be accompanied by the following documents: building plans, an elevation certificate, encroachment survey, a site map showing the location of the proposed development, non-residential floodproofing certificate, a FIRMette, no-rise certification, building permits, sanitation permit, and copies of any required state and federal permits. For some minor projects there will not be any additional documents. The required documentation will be determined for each individual permit. **(Add or remove items from this list.)**

### B. Reviewing the Floodplain Development Permit Application

- ◆ During the review of Floodplain Development Permit the property will be found and checked on flood maps. It will be determined which flood zone the property is located in. It will also be determined if the property is a floodway. A FIRMette or a GIS map of the area will be made and attached to the permit. The development site will be marked on the map.

### C. Review documentation for compliance with technical requirements of community's floodplain management ordinance:

- ◆ The Floodplain Manager will review documents such as Floodplain Development Permits or Elevation Certificates for accuracy. If the Floodplain Manager is absent a preliminary review will be conducted by the \_\_\_\_\_.  
**(Designate an individual or a department who assists when the Floodplain Manager is away from the office. Smaller communities may have only one employee. If that is the case explain that in this section.)** In the event the \_\_\_\_\_ **(same as previous blank)** or the

Floodplain Manager require technical assistance they will consult with \_\_\_\_\_. ***(In some cases this would be a person like the City Engineer. Division of Water Resources can provide technical assistance.)***

D. Review of engineering documents

- ◆ Copies of Engineering Documents may be sent to the \_\_\_\_\_ ***(City Engineer as an example)*** using the \_\_\_\_\_ ***(inter-office mail system, postal mail, email)*** for review.
- ◆ Examples of engineering documents linked to NFIP requirements are hydrologic and hydraulic calculations, loading calculations and methods of construction relative to floodproofing, and alternative designs for openings below lowest floor.

E. Approval or denial of the floodplain development permit application:

- ◆ **Approval** – The approved permit is signed by the Floodplain Manager. A copy is provided to the applicant.
- ◆ **Conditional Approval** – If a permit receives conditional approval the reasons will be noted on a separate sheet of paper attached to the permit. Reason for conditional approval could be waiting for a finished construction elevation certificate.
- ◆ **Denial** – If a permit is denied the reasons for denial will be noted on a separate piece of paper and attached to the permit form. The applicant will be notified in writing and given a copy of the reasons for denial.

III. Inspection Process

A. Inspection One

- ◆ \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
***(Use this section to describe how building inspections are done in your community. If your community does not have building inspectors then state that here. If your community has building inspectors who inspect a project before it begins and after final completion then describe that process here.)***

B. Inspection Two

- ◆ \_\_\_\_\_  
***(If multiple inspections are not done then delete Inspection Two. In the case of multiple inspections add Inspection Three or Four as needed. Add a third or fourth inspection if needed.)***

#### IV. Administrative Activities

##### A. Recreational Vehicles

- ◆ Recreational Vehicles may be allowed in the floodplain if they meet the requirements of \_\_\_\_\_ **(Article \_\_\_\_ Section \_\_\_\_ of the City/County)** Floodplain management regulations. Monitoring for compliance will be done by \_\_\_\_\_. **(Describe the strategy for monitoring of RVs. One method would be to have owners of RV parks keep a log that could be inspected periodically. Property tax records could be reviewed. Suspected violations could be photographed and checked again in 180 days. RV owners could present proof of licenses. The community can do visual inspections.)**

##### B. Elevation Certificates

- ◆ In some cases a finished Construction Elevation Certificate is required to document compliance. The property owner will be given \_\_\_\_\_ **(30 days is suggested.)** from completion of the structure to provide an elevation certificate. At the end of \_\_\_\_\_ **(30 days)** failure to provide a finished construction elevation certificate will be treated as a violation. Enforcement will be in accordance with the section of these procedures titled, "Enforcement Actions".

##### C. Openings

- ◆ Openings in lower floor enclosures should be monitored periodically. Flood vent openings in enclosures can be accidentally or deliberately blocked. \_\_\_\_\_ **(Describe when and how such monitoring could be done in your community. For communities that do not have a lot of staff this will mean taking the opportunity of looking at a property as you drive past it in the performance of other duties. Assistance in monitoring could potentially come from other departments that also visit properties in the floodplain. Whatever is entered in this section will vary greatly depending on the capability of each community.)** When violations are found the enforcement will be in accordance with the section of these procedures titled, "Enforcement Actions".

##### D. Basements and Crawlspaces

- ◆ \_\_\_\_\_ **(On this line insert specific regulations pertaining to subgrade crawlspaces and residentially floodproofed basements. Only a few communities have been approved to allow subgrade crawlspaces and residentially floodproofed basements. Sample language for basements is at the very end of this document. Do not insert language for basements unless your community has been approved for this**

program and the ordinance or resolution contains all of the required language. Subgrade crawlspace language can be requested from DWR.)

## V. Variances

- ◆ A Variance Request Form is completed when requesting a variance.
- ◆ The \_\_\_\_\_ **(Community Name)** Appeals Board will hear requests for a variance. The fee for requesting a variance is \$\_\_\_\_\_. Applicants requesting a variance must notify the Floodplain Manager \_\_\_\_\_ days before the next meeting of the Appeals Board. The person requesting the variance must provide documents to the Floodplain Manager \_\_\_\_\_ days before the Appeals Board meeting. Supporting documents for a variance to the permitting requirements should be in accordance with **Article \_\_\_\_ of Ordinance/Resolution \_\_\_\_\_**.
- ◆ A variance may be granted by a majority vote of the \_\_\_\_\_ **(Community Name)** Floodplain Appeals Board.
- ◆ The applicant will be notified of the variance by certified mail. A copy of the letter will be maintained in the Floodplain Manager's office at \_\_\_\_\_ **(City Hall, County Courthouse, etc...)**. The following information will be contained in the letter when a variance is granted. "A community shall notify the applicant in writing over the signature of a community official that: (a) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage and (b) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this ordinance."

A numbering system for variances will be similar to the system for permits. The letters FV for floodplain variance, followed by four digits for the year, and a three digit numerical value beginning with 001.

## VI. Record Keeping System

- ◆ Floodplain Development Permits will be filed in the Floodplain Manager's office **(or records room, city clerk's files, etc...)** in the \_\_\_\_\_ **(County Courthouse, Public Works, Sheriff's office, etc...)**. The Floodplain Manager will be responsible for maintaining records of Floodplain Development Permits as well as Elevation Certificates, LOMAs, and Non-Residential Floodproofing Certificates. Floodplain related records are permanent records and are not to be purged. Records related to floodplain development will be maintained by \_\_\_\_\_ **(On this line describe the system for keeping track of records. Permits and records may be maintained using spreadsheets, GIS, color coded paper files, or**

some other system. For example records can be kept in a file and tracked for quick reference in a spreadsheet.).

- ◆ Blank forms are available on request from the Floodplain Manager in the \_\_\_\_\_. **(Building/Office)** Forms can be sent on request by fax or regular mail. The Floodplain Development Permit is available on the website \_\_\_\_\_ **(Enter website address here)** to be downloaded. *(If no web site delete.)*

## VII. Map Appeals and Revisions

- ◆ A copy of each LOMA/LOMR must be filed with the official community floodplain map (FIRM/FHBM/FBFM/FIS). Flood maps are maintained by \_\_\_\_\_ **(Who does this? It is usually the floodplain manager but it could be City Clerk or GIS department.)**. This activity will be coordinated with the \_\_\_\_\_ **(Community name)** Mapping Department. *(If there is no mapping department delete previous sentence.)* Notification to the landowner is not required in those cases where a LOMA was granted at the landowner's request.
- ◆ FEMA flood maps are available for review at \_\_\_\_\_ **(Location/Address)** in the Floodplain Manager's office. Flood maps can be viewed on the internet at [www.msc.fema.gov](http://www.msc.fema.gov).
- ◆ Any other sources for determining flood data will be stored in either the Floodplain Manager's office or with the \_\_\_\_\_ Mapping Department. *(If there is no mapping/GIS department then delete the reference to a mapping department.)*

## VIII. Investigate Complaints

- ◆ A complaint about an issue in the floodplain can be made to the Floodplain Manager. If the Floodplain Manager is not available notify the \_\_\_\_\_. **(Usually same as designated in II.C above.)** Complaint Forms are available to be completed with as much information as possible.
- ◆ An investigation typically will involve a site visit. \_\_\_\_\_ **(Describe here how a site visit will be done and if prior notice will be given to the property owner.)** If possible a photo will be taken of the violation. A certified letter stating the complaint will be sent to the owner of record of the property where the violation is occurring. A file will be started. The numbering system will be a similar system to the system for variances and permits. In this case the first two letters will be FC for floodplain complaint. **(If there is already a system in place then describe that here.)** Copies of letters, photos, and other documents will be kept in the \_\_\_\_\_ file. **(Will complaints be filed by parcel, by address, by name, or in separate complaint files. It may be best to keep duplicate records in a complaint file**

**and with the address file.)** The Division of Water Resources will be notified about the complaint as well. In some cases a permit from DWR may be required and in other cases the notification is in order to inform the NFIP Coordinator for State of Kansas.

- ◆ Complaint files will be kept in the Floodplain Manager's office. The Floodplain Manager's office is located at \_\_\_\_\_  
\_\_\_\_\_ (**Courthouse/City Hall/Public Works/Building Address**).

## **IX. Enforcement Actions**

- ◆ When a violation is identified the property owner will be sent a certified letter that identifies the problem and establishes a time line for correction. A copy of the receipt for the letter will be kept on file with a copy of the letter. Additional copies of the letter will be sent to \_\_\_\_\_ (**Mayor or City Attorney**) and Division of Water Resources.
- ◆ The first step in resolving a violation involves a meeting with the property owner. In some cases violations could be resolved by removal of material stored in flood area, the property owner applies for the proper permits, the property owner consults with an engineer or land surveyor, or a finished elevation certificate is provided by the property owner to the Floodplain Manager. Each violation will be handled on a case-by-case basis. If the property owner refuses to cooperate or the violation continues there are enforcement procedures in ordinance \_\_\_\_\_. (**Resolution or ordinance number from top line.**)
- ◆ When a successful resolution can be agreed on the Floodplain Manager will verify it through either review of documents or a site visit. Resolution will be documented in a letter to the property owner. A copy of the letter will be attached to the original complaint.

## **X. Damage Estimation**

- ◆ The floodplain manager will determine when structures have been substantially damaged. Disasters may not always be floods. A tornado could strike homes in the special flood hazard area. A single home could be destroyed in a fire without a disaster declaration.

- ◆ \_\_\_\_\_  
\_\_\_\_\_

**(In this section describe the process for completing substantial damage estimations. This process will vary within each community. The following are some suggested steps to consider incorporating formally into these procedures: As soon as it is**

safe to do so, the floodplain manager will conduct a windshield survey of the damaged properties. The windshield survey will allow an initial assessment of the properties that will then be inspected for substantial damage. Building inspectors, emergency staff, or appraisers may assist the floodplain manager. List the departments that may contribute staff to assist with damage estimations. If any of the community staff have been trained on how to do damage estimation using FEMA software explain the procedure that will be followed. Will property tax information from County Appraiser be the standard used to measure fair market value? Explain here what the method will be. Describe here any procedures for tagging of buildings with signs or notices. There could be notice signs posted for properties that are unsafe or for properties that have been determined to be substantially damaged. Describe how property owners will be notified if their property is determined to be substantially damaged. Will notices be sent by regular postal mail or some other method? If property owners want to protest the substantial damage estimation for their properties explain the options the property owners will have. Will the community allow the property owner to submit information from licensed appraisers, contractor's estimates, or insurance claims? All of the steps related to substantial damage estimation should be written down and followed. Having written procedures will ensure that substantial damage estimations are consistent with every property owner.)

## **XI. Certification of Adoption**

These Administrative Procedures for Floodplain Management for the community of \_\_\_\_\_ shall be in full force and effect from and after this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Chief Executive Officer/Chief Elected Official (Signature)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

ATTEST:

\_\_\_\_\_  
Signature of Recording Clerk

Place  
Seal  
Here

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Printed Name

Title

## **Appendices**

A copy of the community's floodplain development permit, an elevation certificate, and other administrative forms listed in the administrative procedures (review checklists, variance requests, etc.) should be attached as appendices to these administrative procedures prior to adoption.



## **Administrative Procedures for Residential Basement Floodproofing**

**(Only for use in approved communities!)**

1. Determine if the site qualifies for a floodproofed residential basement.
  - a. Review topographic contour data or other sources of information to determine the elevation of the existing grade. If information is not available require the developer to provide a survey. Subtract the height of the existing grade from the base flood elevation to determine depths of flooding.
  - b. If the depth is less than three feet proceed to next step. If the depth is greater than three feet the site does not qualify.
2. Issue a letter to the developer stating that the location is approved for a residential floodproofed basement and a floodplain development permit. The letter will remind the property owner that when construction is finished a residential basement floodproofing certificate (form 81-78) and elevation certificate must be completed and returned to the floodplain management office.
3. New construction or substantial-improvement of any residential structures, including manufactured homes, shall require the basement to be:
  - a. Designed and built so that any basement area, together with attendant utilities and sanitary facilities below the floodproofed design level, is watertight with walls that are impermeable to the passage of water without human intervention. Basement walls shall be built with the capacity to resist hydrostatic and hydrodynamic loads and the effects of buoyancy resulting from flooding to the floodproofed design level, and shall be designed so that minimal damage will occur from floods that exceed that level. The floodproofed design level shall be an elevation one foot above the level of the base flood where the difference between the base flood and the 500-year flood is three feet or less and two feet above the level of the base flood where the difference is greater than three feet.
  - b. Have the top of the floor of any basement area no lower than five feet below the elevation of the base flood:
  - c. Have the area surrounding the structure on all sides filled to or above the elevation of the base flood. Fill must be compacted with slopes protected by vegetative cover;
  - d. *Have a registered professional engineer or architect* develop or review the building's structural design, specifications, and plans, including consideration of the depth, velocity, and duration of flooding and type and permeability of soils at the building site, and certify that the basement design and methods of construction proposed are in accordance with accepted standards of practice for meeting the provisions of this paragraph;
  - e. Be inspected by the building inspector or other authorized representative of the community to verify that the structure is built according to its design and those provisions of this section which are verifiable.
4. The building inspector or other authorized representative of the community will inspect the structure. The inspector will verify it is built according to design and meets the requirements of 3. a-e of these procedures.

## **Basement Floodproofing Checklist**

1. Flood depths are less than 3 feet. Enter Flood depth here:\_\_\_\_\_
2. Floodproofing certificate completed. Level of flood protection is one foot above the base flood elevation. \_\_\_\_\_.
3. Elevation certificate completed. \_\_\_\_\_.
4. Top of basement floor no lower than five feet below the base flood elevation.  
\_\_\_\_\_.
5. Fill placed around the structure on all sides. Fill is at or above one foot above the height of base flood elevation.\_\_\_\_\_.
6. Fill is compacted and slopes are protected by vegetative cover. \_\_\_\_\_.
7. Utilities are elevated to a height of one foot above the base flood elevation.  
\_\_\_\_\_.
8. Sanitary facilities are protected. Floodproofing that requires human intervention is not allowed. A pipe valve operated manually by home owner is not acceptable.  
\_\_\_\_\_.

**THESE BASEMENT PROCEDURES SHOULD BE DELETED BY COMMUNITIES THAT ARE NOT APPROVED FOR RESIDENTIAL BASEMENTS. FOR COMMUNITIES THAT ARE APPROVED THIS INFORMATION CAN BE COPIED INTO SECTION IV.D. CONTACT DWR IF YOU HAVE QUESTIONS.**



## FLOODPLAIN VIOLATION REPORT

Date Received \_\_\_\_\_

Received By \_\_\_\_\_

Complainant  
Address

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Phone Number

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Location of  
Complaint

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Description of  
Complaint

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Date(s)/Description  
of Investigation

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Resolution/Findings

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# **FLOODPLAIN DEVELOPMENT PERMIT/APPLICATION**

Community Name:\_\_\_\_\_ Date:\_\_\_\_\_ Application #\_\_\_\_\_

**TO THE ADMINISTRATOR:** The undersigned hereby makes application for a permit to develop in a floodplain. The work to be performed, including flood protection works, is as described below and in attachments hereto. The undersigned agrees that all such shall be done in accordance with the Floodplain Management Ordinance and applicable county/city ordinances and the State of Kansas requirements as contained in K.S.A. 12-766, and K.A.R. 5-44-1 through 5-44-6.

## **-----Section A-----**

\_\_\_\_\_  
Name of Owner or Developer/Contractor or Builder

\_\_\_\_\_  
Date

\_\_\_\_\_  
Address

\_\_\_\_\_  
Phone

## **-----Section B-----**

\_\_\_\_\_  
Location Information Street Address:

\_\_\_\_\_  
Legal Description:

\_\_\_\_\_  
Other Locator:

## **-----Section C-----**

Check One:

\*New Construction ..... Filling ..... Other... (Describe) \_\_\_\_\_

\*Substantial Improvement... Grading.....

Minimum Improvement ..... Excavation... \*Finished Elevation Certificates Required.

## **-----Section D-----**

\_\_\_\_\_  
Description:

Value of Improvement (fair market): \$\_\_\_\_\_ Pre-Improved Value \$\_\_\_\_\_

## **-----Section E-----**

FEMA Flood Map Panel Number\_\_\_\_\_ Effective Date \_\_\_\_\_ Zone\_\_\_\_\_

Is development in a floodway? Yes\_\_\_ No\_\_\_ If yes, is No-Rise Certification attached? Yes\_\_\_ No\_\_\_

## **-----Section F-----**

Elevation: NGVD\_\_\_\_\_ NAVD\_\_\_\_\_ Elevation certificate attached to this application? Yes\_\_\_ No\_\_\_

Base Flood Elevation, BFE, at development site..... Feet

Elevation at development site..... Feet

\*\*Elevation of lowest floor of residential development.... Feet

\*\*Elevation of flood proofing for non-residential structure..... Feet

Source of elevation information \_\_\_\_\_

## **-----Section G-----**

\_\_\_\_\_  
List required permits from other agencies. Attach copies.

**Notice: Read Carefully.** This permit is issued with the condition that the lowest floor (including basement) of any new or substantially-improved (over 50% current market value) residential structure will be elevated at least one (1) foot above the base flood elevation. If the proposed development is a non-residential structure, this permit is issued with the condition that the lowest floor (including basement) of any new or substantially improved non-residential structure will be elevated or floodproofed at least one (1) foot above the Base Flood Elevation. This permit is issued with the condition that the owner/developer will provide a FEMA elevation certificate completed by a licensed land surveyor or professional engineer certifying the “as-built” lowest floor elevation of any new or substantially improved structure covered by this permit.

**Permit: Approved\_\_\_\_\_ Denied\_\_\_\_\_ (attach explanation) Date: \_\_\_\_\_**

\_\_\_\_\_  
**Signature Owner/Developer**

\_\_\_\_\_  
**Signature of Community Official**

\_\_\_\_\_  
**Print Name Owner/Developer**

\_\_\_\_\_  
**Print Name and Title Community Official**

### **INSTRUCTIONS**

**Section A:** Complete name and contact information of applicant. It is preferred that this be the information of the property owner. Circle owner or builder depending on applicant.

**Section B:** Complete information in this section describing location of the development. Space is provided for other locator such as parcel identification number or name of subdivision. For a long legal description the information could be attached separately and noted here. It is also suggested to attach a FIRMette of the location.

**Section C:** \*For new construction and substantial improvements an elevation certificate is required. An elevation certificate based on construction drawings can be used at the start of construction. A finished construction elevation certificate is required when the project is complete. Minor projects may not require an elevation certificate. For example: a new culvert.

**Section D:** Describe the development. Is this a substantial improvement? Substantial improvement may require that the entire structure be brought up to current standards and that the lowest floor (including basement) be elevated one (1) foot above the base flood elevation.

**Section E:** Flood map information. For a project in a designated floodway a no-rise certificate is required. In an area of detailed study it must be determined that development will not cause more than one (1) foot of rise.

**Section F:** Specify if National Geodetic Vertical Datum of 1929 or North American Vertical Datum of 1988 was used for the elevation information in this section. \*\*Lowest floor of a residential structure (including basement) and level of floodproofing for a non-residential structure must be one (1) foot above the base flood elevation. If a house has a basement the lowest floor is the floor of the basement. This information will be on an elevation certificate. There should be an elevation certificate for every post-FIRM structure. If other sources of elevation information were used please specify where that information came from. For certain types of projects the elevation information may not apply. For example: excavation of a borrow pit. In those situations use N/A in the blanks for elevation information.

**Section G:** The Kansas Department of Agriculture, Division of Water Resources requires permits for fill placed in floodplains. Permits are also required for levees, stream obstructions, and dams. Some minor projects are exempt based on the amount of fill, upstream drainage, or the size of the dam. US Army Corps of Engineers may require permits involving wetlands or projects that could alter the course of a navigable water way.